

Serial No. 10/036,790

Attorney Docket No. PF02259NA

REMARKS/ARGUMENTS

Claims 1 through 24 remain in this application, and claims 1, 10, 17 and 24 have been amended.

Claims 10 and 24 are objected to for providing the language "originating device and the target device" instead of "originating device or the target device". Accordingly, claims 10 and 24 are hereby amended in accordance with the suggested language of the above Office Action. Reconsideration and withdrawal of the objection to claims 10 and 24 are respectfully requested.

Claims 1 through 24 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application Publication No. US2002/0078151A1 to Wickam, et al. ("Wickam, et al. publication") in view of U.S. Patent No. US6631186B1 to Adams, et al. ("Adams, et al. patent").

Independent claim 1 as amended provides, *inter alia*, "forwarding the communication message to a particular next device of the at least one next device of the forwarding list if the target device is unavailable for text messaging with the originating device, wherein the forwarding list is a contact or buddy list for an instant messaging system", and independent claim 17 as amended provides, *inter alia*, similar language. Support for the above recitation is provided at page 7, lines 3 and 4, of the specification.

In contrast, the Wickam, et al. publication and the Adams, et al. patent do not describe or suggest forwarding a message to the next device of a contact or buddy list of an instant

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messaging system, as required by independent claims 1 and 17. The use of a contact or buddy list of an instant messaging system is significant for the present invention. The Wickam, et al. publication and the Adams, et al. patent describe call forwarding services in which, typically, a user forward calls to another device. The calls are forwarded to another device that may be more conveniently accessed by the user. In many cases, the calls are forwarded to another device operated by the user or by another transport system. It is the intention of the present invention, on the other hand, to search for other instant messaging users when the target user is not available. This is quite effective for a contact or buddy list of an instant messaging system in which each contact is generally associated with a different user and all contacts are capable of communicating via the same transport system, i.e., the instant messaging system. In addition, contact or buddy lists already exist for instant messaging systems, so the present invention may utilize these existing lists with little or no modification. Therefore, independent claims 1 and 17 as amended distinguish patentably from the Wickam, et al. publication, the Adams, et al. patent, and the suggested combination of these references.

Claims 2 through 16 and 18 through 24 depend from and include all limitations of independent claims 1 and 17 as amended. Therefore, claims 2 through 16 and 18 through 24 distinguish patentably from the Wickam, et al. publication, the Adams, et al. patent, and the suggested combination of these references for the reasons stated above for independent claims 1 and 17.

In view of the above, reconsideration and withdrawal of the rejections of claims 1 through 24 are respectfully requested.

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CONCLUSION

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. Also, no amendment made was for the purpose of narrowing the scope of any claim, unless Applicants have argued herein that such amendment was made to distinguish over a particular reference or combination of references.

The Commissioner is hereby authorized to deduct any additional fees arising as a result of this response, including any fees for Extensions of Time, or any other communication from or to credit any overpayments to Deposit Account No. 50-2117.

It is submitted that the claims clearly define the invention, are supported by the specification and drawings, and are in a condition for allowance. Applicants respectfully request that a timely Notice of Allowance be issued in this case. Should the Examiner have any questions or concerns that may expedite prosecution of the present application, the Examiner is encouraged to telephone the undersigned.

Respectfully submitted,
Couts, Jeffrey, et al.



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Date

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